

US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: January 5, 2006
Comment Deadline: February 3, 2006
Corps Action ID #: 200520934

The Wilmington District, Corps of Engineers (Corps) has received an application from Mr. John Shalcross, Jr., with Partner's Equity Group, seeking Department of the Army authorization to impact 2.44 acres of wetlands associated with development of two commercial lots within an existing subdivision in Smithfield, Johnston County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands.

Applicant: Mr. John Shalcross, Jr.
Partner's Equity Group
Post Office Box 1089
Smithfield, NC 27577

Agent: Ms. Robin Little
5409 New Rebel Court
Youngsville, NC 27596

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

Location

The project, consisting of Lots 18 and 19 of Partners Equity Group Subdivision, is located on the north side of Industrial Park Drive, east of South Equity Drive, in Smithfield, Johnston County, North Carolina. Coordinates (in decimal degrees) for the site are 35.5069° North, 78.3217 ° West. The project site contains wetlands located adjacent to an unnamed tributary of Polecat Branch, in the Neuse River Basin (8-Digit Cataloging Unit 03020201).

Existing Site Conditions

The project is comprised of two lots, totaling 2.65 acres in size, located within an existing 44.5-acre industrial and commercial subdivision. The subdivision is located adjacent to the access ramp off Interstate 95 southbound, and is in an urbanized area generally comprised of residential and commercial development. The project has been under development since the early 1990s, however several additional lots within the subdivision remain undeveloped. Impacts previously authorized by nationwide permit on the project site include 0.58 acre of wetland in 1994 (authorized after-the-fact), and 0.66 acre of wetland in 1997. A total of 2.79 acres of non-riverine, herbaceous wetlands currently exists on the property, including the 2.44 acres proposed to be impacted.

Applicant's Stated Purpose

The objective of the project is to fill and grade the remaining lots, which are located in close proximity to the highway exit and have road frontage that is highly visible from the interstate, in order to sell the properties for commercial development.

Project Description

The project involves the placement of fill material into the remaining 2.44 acres of wetlands located on Lots 18 and 19. The proposed plans show the construction of a commercial building with 7,875 square feet of commercial space and 64 parking spaces on lot 18, and a commercial building with 8,100 square feet of commercial space and 96 parking spaces on lot 19. Development of the lots would require the placement of approximately 6,000 cubic yards of earthen fill on the two lots.

The applicant proposes to mitigate for impacts resulting from the project by payment into the North Carolina Ecosystem Enhancement Program necessary for the restoration of 4.88 acres of non-riparian wetlands (2:1 ratio).

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information

regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650, Attention: Ms. Cyndi Karoly, by February 3, 2006.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property

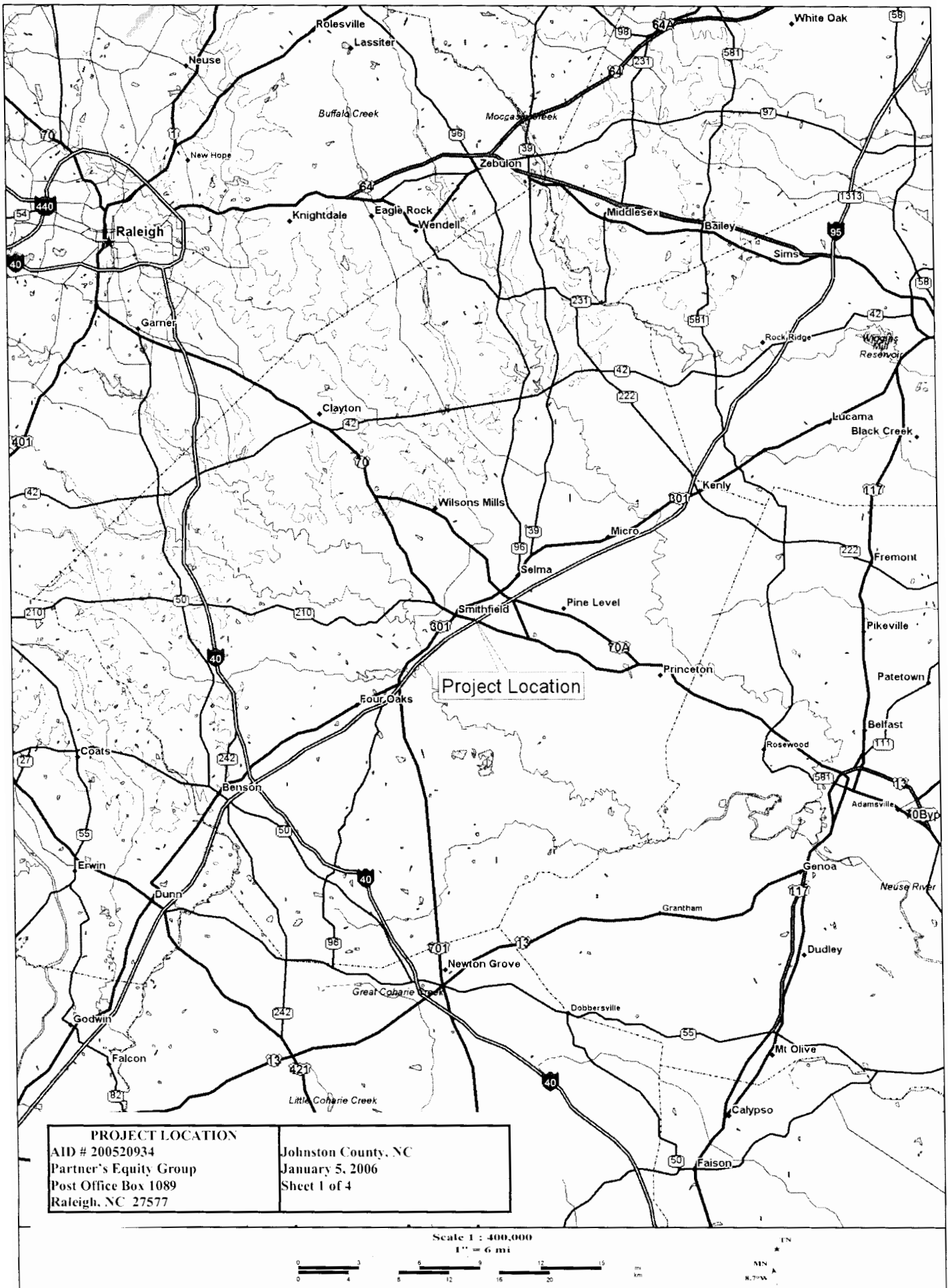
ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

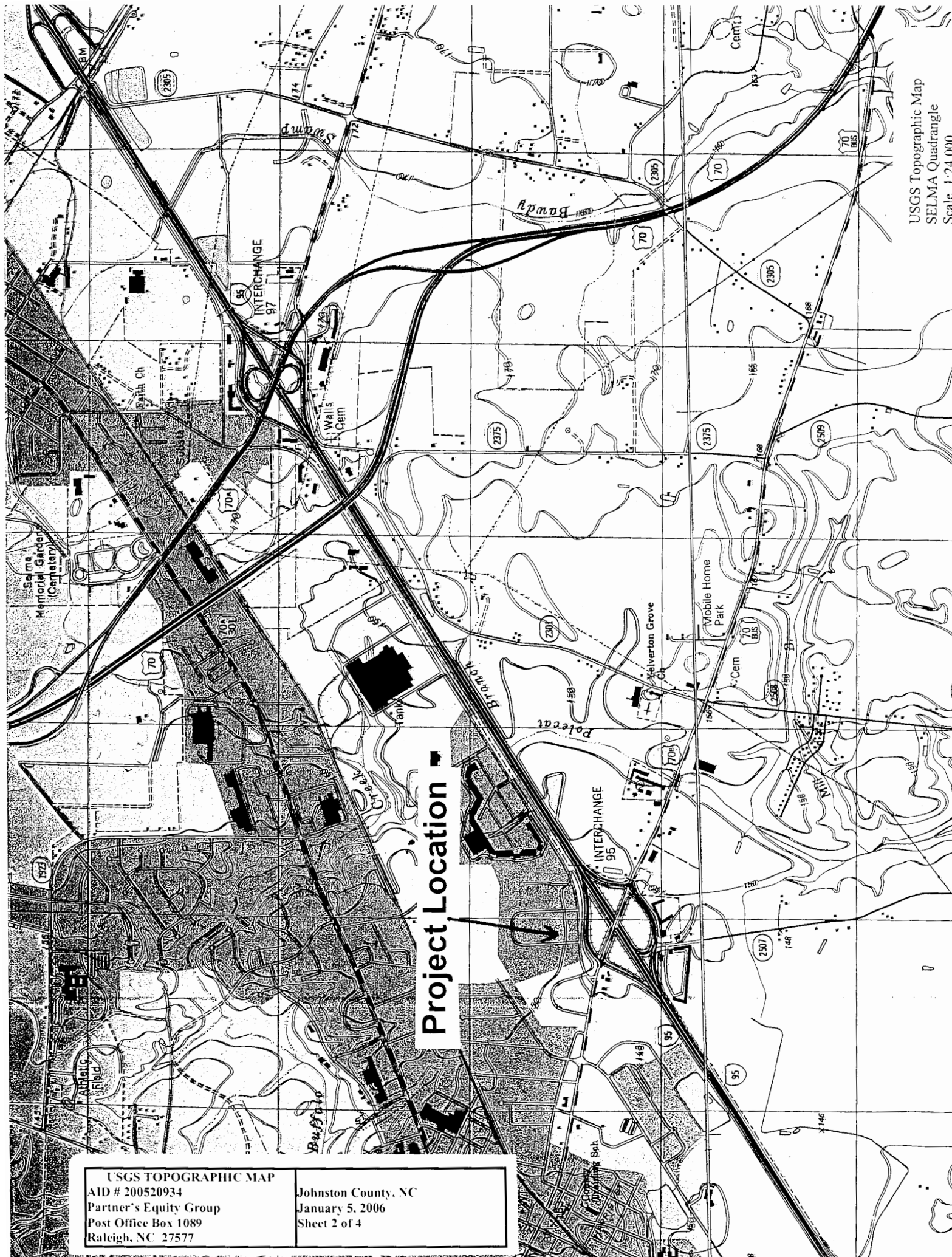
Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, February 3, 2006. Comments should be submitted to Mr. Todd Tugwell, Raleigh Regulatory Field Office, 6508 Falls of the Neuse Road, Suite 120, Raleigh, North Carolina, 27615.





USGS Topographic Map
SELMA Quadrangle
Scale 1:24,000

Project Location

USGS TOPOGRAPHIC MAP	
AID # 200520934	
Partner's Equity Group	
Post Office Box 1089	
Raleigh, NC 27577	
Johnston County, NC	January 5, 2006
Sheet 2 of 4	

3715 HOCKADAY ROAD
FOUR OAKS, NC 27524
PHONE: 919 963-3445
FAX: 919 963-3445

INDUSTRIAL PARK DRIVE SR 2398

IMPACT DETAIL
AID # 200520934
Partner's Equity Group
Post Office Box 1089
Raleigh, NC 27577

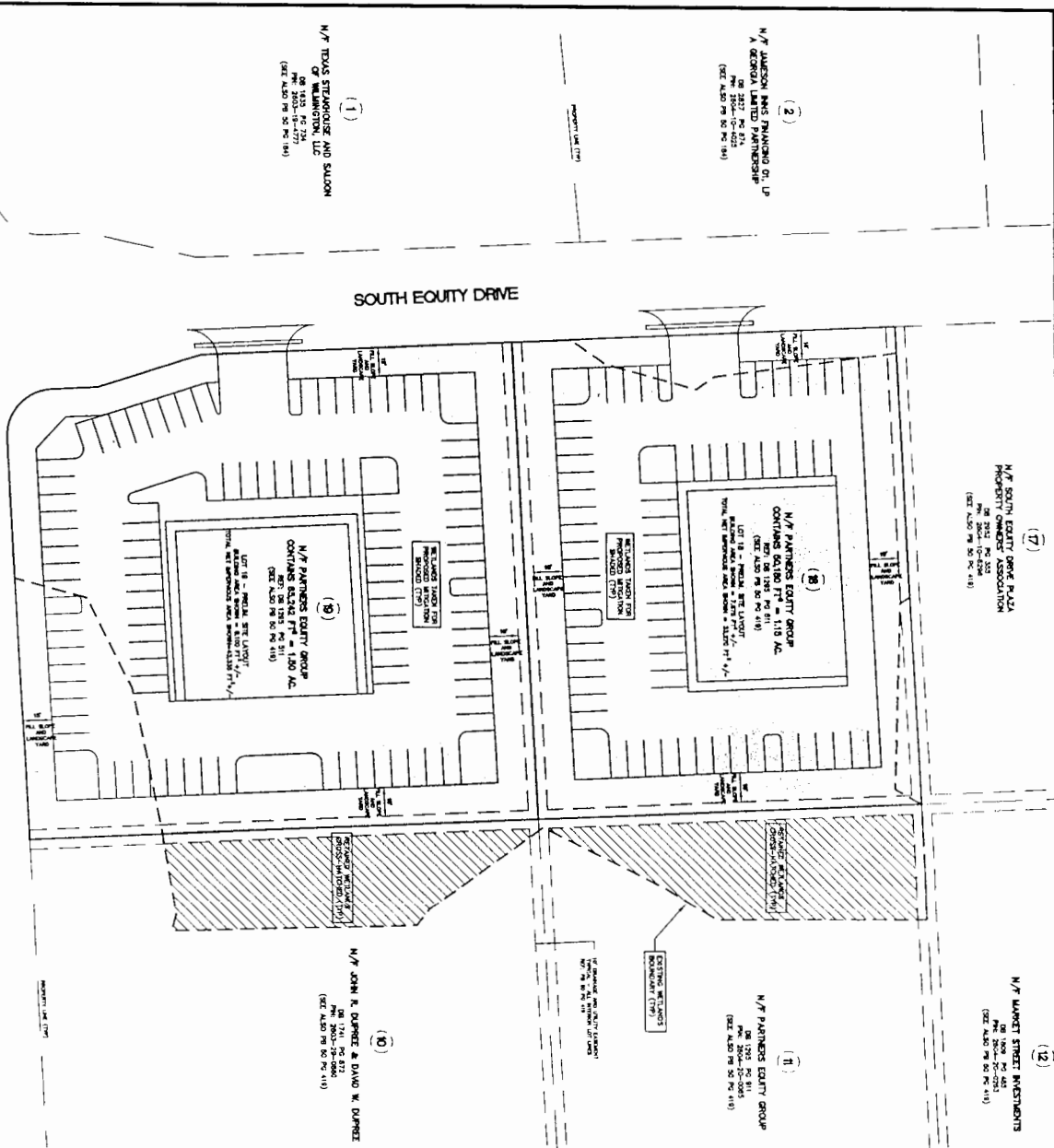
Johnston County, NC
January 5, 2006
Sheet 4 of 4

PRELIMINARY - DO NOT
USE FOR CONSTRUCTION

1. McLELAND SURVEY DATA FOR LOT 18 PROVIDED BY L. GONZALEZ, JR., P.A. OF FISH OAKS, INC. REGARDING McLELAND DATA RETRIEVED FROM PREVIOUS SURVEY PLATS BY GORDON-JORDAN & ASSOCIATES AND MICHAEL CRUZ.

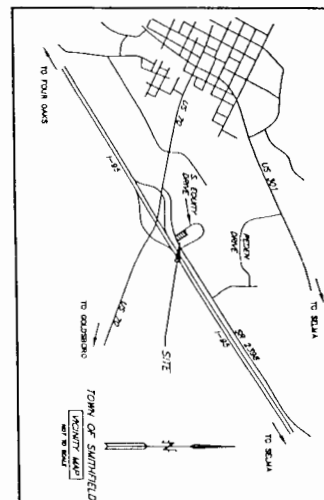
2. McLELAND TYPINGS ARE APPROPRIATE ACCORDING TO THE PRELIMINARY LAT/UTI SHEET HISTORY. ANY APPROVAL OF McLELAND DATA ACCORDING TO THIS MAP SHALL BE CONSIDERED THE MAXIMUM ALLOWABLE MAP ACT TO McLELANDS.

GENERAL NOTES



PROPOSED WETLAND IMPACTS FOR MITIGATION

TOTAL EXISTING WETLANDS BOUNDARY = 2.79 ACRES +/-
PROPOSED WETLANDS IMPACTED LOT 18 = 1.09 ACRES +/-
PROPOSED WETLANDS IMPACTED LOT 19 = 1.35 ACRES +/-
TOTAL WETLANDS TAKEN FOR PROPOSED MITIGATION = 2.44 ACRES +/-
TOTAL WETLANDS REMAINING = 0.35 ACRES +/-



PRELIMINARY SITE PLAN FOR WETLAND MITIGATION
LOTS 18 & 19 - PARTNERS EQUITY GROUP SUBDIVISION

SITE INFORMATION	
CITY OR TOWN, COUNTY & STATE:	SMITHFIELD, JOHNSTON CO., NC
TOWNSHIP, COUNTY, & STATE:	—
NC PIN#: 2604-10-8014 & 2603-19-8739	ZONING: B-3(SUD)

DEVELOPER/OWNER INFORMATION

ADDRESS
PO BOX 1524
SMITHFIELD, NC 27577

CONTACT: JOHN SHALLCROSS, JR.

TELEPHONE
919 934 3852 (O)
919 369 5091 (M)

DATE: SEPTEMBER 2005

SCALE: $1" = 60'$

DRAWN BY: BRL

CHECKED BY: BRL